

Albano, Emily

From: Hoard, Christine
Sent: Wednesday, October 29, 2014 10:43 AM
To: Albano, Emily
Cc: Rauch, Anne
Subject: FW: Request for Information - Tyson Foods Montgomery City, MO - RMP Consent Decree

Importance: High

Emily, I received this information regarding Tyson Foods for Montgomery City, MO...please review and let me know if this will be a FOIA..I will send the Montgomery City information under another email.

Please note that I have the purchase agreement but this information is under Confidential Business Information. If you have any questions, give me or Anne Rauch a call.

Thanks

Christine Hoard
US EPA Region 7
Chemical Risk Information Branch
11201 Renner Blvd
Lenexa, Kansas 66219
913/551-7775

From: Melissa Hart [mailto:melissa.hart@sageenvironmental.com]
Sent: Tuesday, October 28, 2014 3:19 PM
To: Hoard, Christine
Cc: R. Christopher Trump
Subject: Request for Information - Tyson Foods Montgomery City, MO - RMP Consent Decree
Importance: High

Hi Christine: We are working with a potential buyer of a Tyson Foods facility that is one (1) of twenty-three (23) facilities subject to the consent decree settling Civil Action No. 1:13-cv-56.

The site we are interested in is located at 1001 Harness Drive, Montgomery City, MO. We are trying to determine the status of the Montgomery City facility as it relates to the EPA Region VII consent decree requirements. I discussed this earlier today with George Hess and he referred me to you. We would like to obtain copies of all documents submitted to EPA by Tyson under the consent decree that relate to the Montgomery City facility. Specifically:

1. The report of the results of the paper review of Tyson's engineering and design specifications (CD App A, Section 4.1 and 5.1).
2. A copy of the RMP audit report submitted to EPA by the Auditor (CD App A, Section 5.3).
3. A copy of Tyson's actual submittal to EPA in response to the RMP Findings (CD App A, Section 6.1).
4. Tyson's submittal to EPA certifying completion of all the RMP Finding corrective actions. This may be a separate submittal or contained in a quarterly report(s) (CD App A, Section 6.1).

5. A copy of the NDT test report submitted by Tyson to EPA (CD App B, Section 5.2)
6. Tyson's submittal to EPA certifying completion of the NDT corrective actions. This may be a separate submittal or contained in a quarterly report(s) (CD App B, Section 6.2).
7. Quarterly reports related to Montgomery City (CD App A, Section 7.1; CD App B, Section 7.1).

In addition, pursuant to Section VIII of the consent decree, EPA may approve or disapprove each report and submittal made by Tyson in writing (not including Quarterly reports unless they contain certifications that satisfy reporting obligations under Section 6 of Appendix A and Section 5 of Appendix B). If EPA has issued any such approval or disapproval to Tyson regarding the Montgomery City facility, we would like to obtain copies of such correspondence. These approvals/disapprovals would most likely relate to:

- 1) Report of paper review of Tyson's engineering and design specifications,
- 2) Tyson's response to RMP Findings,
- 3) Tyson's certification of completion of RMP Finding corrective actions,
- 4) Tyson's response to the NDT report at Montgomery City, and
- 5) Tyson's certification of completion of corrective actions addressing NDT findings.

Finally, Section II of the CD requires notification be sent to the potential buyer and EPA regarding the potential transfer of ownership of a facility. We would like to obtain a copy of this notification as well. This is part of our due diligence as requested by the Buyers outside counsel – Chris Trump (cc'd here).

Please let me know if we will be able to obtain copies of the documents noted above and if this request is acceptable or if there is a set FOIA process that we must go through in order to obtain the documents.

Electronic files via email are preferred, however hard copies are certainly acceptable.

As you can probably imagine, with this being a potential transaction, we are looking to get these documents as soon as possible. Please let me know if you have any questions or if there is any way for me to help expedite this request. I am available to discuss by phone at any time.

Thanks very much for your assistance.

Regards, Melissa Hart

Melissa Hart Air Compliance & Permitting; EPCRA Reporting; Homeland Security - CFATS

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